

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
UNITED STATES of AMERICA,

Action No. 1:04-cr-10286 PBS

v.

MICHAEL ALCOTT,  
Defendant.

MOTION TO CONTINUE; MOTION TO ENLARGE TIME

N O W C O M E S defendant, Michael Alcott, by his counsel, and moves for an order extending and continuing the filing deadlines and hearing date by another 21 days. The defense requests an enlargement of time for the parties to file sentencing memoranda to March 16, 2006 and a final hearing on or about Thursday, April 13, 2006. The government assents to this motion.

This motion is necessary for the following reasons:

1. Certain records in the defense investigation have still not been produced, though requested months ago. Counsel is attempting to obtain complete mitigating background information on criminal conduct and in defendant's personal history. Counsel believes the records exist (e.g., records of hospitalization, police reports) and that they may contain useful information.
2. Counsel still has not had his expert's opinion. After having spent much time and effort on the investigation, counsel needs to review it with defendant.

3. Counsel is committed for a one-week extortionate extension of credit trial in *US v. Farese* on February 27, 2006. Action No. 1:05-cr-10124-WGY. Counsel has already moved for and been denied a continuance of the *Farese* trial.

4. Counsel has had a surprise development in *Commonwealth v. Mitchell*, a post-conviction review of a Philadelphia murder case running under AEDPA's jurisdictional limitations period at the end of this month. Phila. Common Pleas, 1990 Term, Bill No.'s 344, 346 etc. An emergency has arisen in that a percipient murder witness finally agreed in late January to come forward with exoneration evidence. This requires amending complex petitions and filing a successive petition in state court and a stay and abeyance in the Eastern District.

Dated this 8<sup>th</sup> day of February, 2006 at Boston, Massachusetts.

/s./ Kevin L. Barron

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#### CERTIFICATE OF SERVICE

Counsel certifies that he has served AUSA Jack Pirozzolo, Esq., electronically with a true copy of this motion by the CM/ECF of this District today on February 8, 2006. No party requires service by mail.

/s./ Kevin L. Barron

Kevin Lawrence Barron BBO550712